

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 10, 2024
Panel:	1 - Urban
File No(s):	D08-02-24/A-00052 to D08-02-24/A-00058
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Rullingnet Corporation
Property Address:	149 King George Street
Ward:	13 – Rideau-Rockcliffe
Legal Description:	Part of Lot 220, Lots 221 to 226, and Part of Lot 8, Junction Gore (Geographic Township of Gloucester) Registered Plan 342
Zoning:	R3M [1461] S218
Zoning By-law:	2008-250
Hear:	May 1, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to subdivide their property into 9 separate parcels of land to create eight new lots for the construction of eight three-storey townhomes. The existing school will remain.

REQUESTED VARIANCES:

- [2] The Owners/Applicants require the Committee’s authorization for minor variances from the Zoning By-law as follows:

A-00052: 14 Quill Street, Parts 2, 3, & 4 on 4R-Draft Plan:

- a) To permit a reduced lot area of 175.9 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- b) To permit a reduced corner side yard setback of 1.55 metres, whereas the By-law requires a minimum corner side yard setback of 4.5 metres.

A-00053: 16 Quill Street, Parts 5 & 6 on 4R-Draft Plan:

- c) To permit a reduced lot area of 137.3 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

A-00054: 18 Quill Street, Parts 7 & 8 on 4R-Draft Plan:

- d) To permit a reduced lot area of 137.4 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

A-00055: 20 Quill Street, Parts 9 & 10 on 4R-Draft Plan:

- e) To permit a reduced lot area of 137.6 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

A-00056: 22 Quill Street, Parts 11 & 12 on 4R-Draft Plan:

- f) To permit a reduced lot area of 137.8 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

A-00057: 24 Quill Street, Parts 13 & 14 on 4R-Draft Plan:

- g) To permit a reduced lot area of 137.9 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

A-00058: 26 Quill Street, Parts 15 & 16 on 4R-Draft Plan:

- h) To permit a reduced lot area of 138.1 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

- [3] The applications indicate that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Peter Hume, Agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [5] In response to questions from the Committee, Mr. Hume, along with Krista Libman, also acting as Agent for the Applicant, clarified that proceeding with multiple consent applications is the appropriate process to obtain separate ownerships for

each of the townhouse units, rather than proceeding with a plan of subdivision application. Ms. Libman added that a plan of subdivision was not necessary in this case, as the proposal will not have internal services. Mr. Hume further noted that a condominium agreement would not be necessary as there would be no shared features, as the units all front a public street and would each have their own access and independent services. Ms. Libman noted that the requested condition for a Joint Use, Maintenance and Common Elements Agreement would cover any shared elements, such as the roof and party walls.

- [6] In response to questions from the Committee, Mr. Hume explained that the requested reduced corner side yard setback was a result of having to shift the development north rather than centering it on the block. This was done to preserve the protected heritage view of the Vinci School building from the King George and Quill intersection. Mr. Hume confirmed that the back (north façade) of the Vinci School had no heritage value.
- [7] In response to questions from the Committee regarding the City's requested condition requiring a Development Agreement for the construction of the sidewalk along Quill Street, City Planner Margot Linker confirmed that the agreement would remain on title and would apply to subsequent property owners. City Planner Erin O'Connell added that if the Applicant's Agents were agreeable, the condition could be amended to include securities to ensure the sidewalk would be completed as part of the development.
- [8] Mr. Hume and Ms. Libman confirmed they were agreeable to revising the condition to include securities for the sidewalk construction.
- [9] With the concurrence of all parties, the condition requiring a Development Agreement for the construction of the sidewalk was revised to include securities.
- [10] The Committee also heard oral submissions from the following individuals:
- P. Hilchie, resident, raised concerns over the future of the development, and the removal of a play structure on the abutting lot.
- [11] City Forester Julian Alvarez-Barkham advised that the Tree Information Report on file was reflective of the previous site plan, and that a revised report was required.
- [12] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications Must Satisfy Statutory Four-Part Test

- [13] The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the application meets all four requirements under subsection 45(1) of the *Planning Act*. It requires consideration of whether the variance is minor, is desirable for the appropriate development or use of the land,

building or structure, and whether the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

Evidence

[14] Evidence considered by the Committee included any oral submissions made at the hearing, as highlighted above, and the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Applications and supporting documents, including cover letter, revised site plan, revised elevations, revised tree information report, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received April 24, 2024, with some concerns.
- Rideau Valley Conservation Authority email received April 29, 2024, with no objections.
- Hydro Ottawa email received April 23, 2024, with comments.
- Hydro One email received April 29, 2024, with no comments.
- C. Lever, resident, email received April 25, 2024, with comments.
- K. Gupta, resident, emails received April 30, 2024, and May 1, 2024, in opposition.
- J. de las Mercedes Carbonell Alfonso and five other parents of Vinci School students, email received April 30, 2024, in opposition.
- N. Benamra, resident, email received April 30, 2024, in opposition.
- Overbrook Community Development Coalition, email received April 30, 2024, in opposition.

Effect of Submissions on Decision

- [15] The Committee considered all written and oral submissions relating to the application in making its decision and granted the applications.
- [16] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [17] The Committee notes that the City's Planning Report raises "some concerns" regarding the application, highlighting that, "along Glynn Avenue, there is a contiguous setback within the subject and abutting block of between 5 and 6 metres, of which the proposed 1.55 metre setback is not consistent with."

However, the Committee notes that the requested variance is required to preserve the view of Vinci School's heritage features.

- [18] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [19] Considering the circumstances, the Committee finds that because the proposal fits well in the area, the requested variances are, from a planning and public interest point of view, desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands.
- [20] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood while contributing to low-rise, mid-to high-density development within a designated 'Neighbourhood' of the Inner Urban Transect.
- [21] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development on the property that is compatible with the surrounding area.
- [22] Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [23] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised plans filed, Committee of Adjustment date stamped April 25, 2024, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

Absent
JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
SIMON COAKELEY
MEMBER

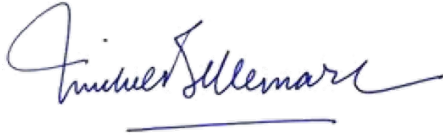
"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

Absent
SHARON LÉCUYER
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 10, 2024**.



Michel Bellemare
Secretary-Treasurer

NOTICE OF RIGHT TO APPEAL

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **May 30, 2024**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 Centrepointe Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The Ontario Land Tribunal has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. Payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the Appeal Form if you wish to pay by credit card. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at cofa@ottawa.ca.

Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

Ce document est également offert en français.

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